

HONOLULU STAR-BULLETIN (HI)  
22 October 1985

# Rewald Appeal Seen; CIA Tie Still Questioned

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Ronald Rewald's attorneys see his conviction on 94 counts of fraud, perjury and tax evasion yesterday as a predictable part of what will be a continuing legal battle.

There was talk of appeal days before the verdict was returned. Rewald spent the final days of the trial scribbling notes to his family and friends in preparation for an immediate trip to jail once the verdict was returned.

Although neither Federal Public Defender Michael Levine nor his deputy, Brian Tamanaha, would say it, it has been clear that Rewald supporters do not think he got a fair trial.

Rewald's attorneys hinted throughout the trial that they thought the CIA destroyed evidence and covered up its involvement with Bishop, Baldwin, Rewald, Dillingham & Wong. Anonymous Rewald supporters secretly distributed pamphlets charging that U.S. Judge Harold Fong was working with the CIA. The fact that Assistant U.S. Attorney John Peyton used to work for the CIA further fueled the conspiracy buffs' theories of a government plot to put Rewald away.

It is clear that although the trial is over, the Rewald case is not going away and will continue to be a subject of controversy.

REWALD WAS led from the courtroom yesterday by U.S. Marshals, after Fong refused to let him continue to remain free. Rewald showed no emotion and, in fact, never looked at the jury before or after the verdict was read.

"I think he (Rewald) was deeply affected," said Levine. "But in all honesty, I don't think (the verdict) came as a surprise. Based on the evidence that was presented, I can't say that the jury verdict was unexpected."

Levine and Tamanaha objected throughout the trial to Fong's limitations on what CIA evidence could be shown to the jury. Fong ruled early on that only CIA information that

showed the CIA controlled, directed or managed investors' money could be introduced into evidence.

Rewald declined to take the witness stand after Fong refused to let him testify about a wide range of CIA-related activities. Rewald claimed to have been involved in while head of Bishop, Baldwin. Rewald decided that either he would get to tell his whole story or none at all.

"The question is, do you believe they (the jurors) got the whole story?" Tamanaha said after the verdict was returned. "My answer is no. I don't know what the whole story is . . . but certainly, the fact that much of the evidence was ruled out would indicate that there was something else."

WITH IT MORE or less accepted by defense attorneys that Rewald would be found guilty, plans already were being made for the appeal. Tamanaha and Levine would not say specifically, however, what the appeal issues are.

"The primary focus of the appeal will be based on the CIPA (Classified Information and Procedures Act) proceedings," Tamanaha said. He said the 2-year-old act, which dictates how trials proceed in which classified information is used, had never reached the trial stage before the Rewald case.

It was during the months of closed CIPA hearings that Fong made his decisions about what CIA documents and testimony would be allowed during trial. By the time trial began, all of the CIPA issues were supposed to have been settled.

Nevertheless, the courtroom often was disrupted by arguments between attorneys and the judge about what documents should be presented to witnesses. The tense situation culminated in Fong's notice that Levine and Tamanaha would face contempt of court hearings at the conclusion of the trial. That prompted emotional pleas by Levine to be removed from the case, saying he had been ineffective as Rewald's attorney.

YESTERDAY, LEVINE said that Rewald still may appeal to the 9th U.S. Circuit Court of Appeals based on the "ineffective counsel" theory.

Asked if he thought he had been ineffective, Levine said, "We could have well used the services of an attorney versed in the Classified Information and Procedures Act. We could have well used and sorely missed the services of Brent Carruth."

Carruth is a California attorney who represented a Virginia man in a federal spy case last year. After a federal judge ruled certain documents admissible in that case, the government appealed, stopping the case from going to trial. Carruth then attempted to join Rewald's defense team but was barred from doing so because of a conflict of interest.

Although Levine says he could have used Carruth, he also praised Tamanaha's work in the Rewald case.

"HE DID THE BULK of the CIA work and I think he did an excellent job," Levine said.